IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 17248 of 2004

Between:

Mantri Narsimlu, S/o Vittal,
R/o H.No.5-4-44, Budhawarpet, Nirmal, Adilabad District

... PETITIONER

AND

1 The Mandal Revenue Officer, Nirmal, Adilabad District
2 Nirmal Municipality, rep.by its Commissioner, Nirmal, Adilabad District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ particularly one in the nature of Writ of "Mandamus" declaring the action of the 1st respondent in interfering with the petitiner's rights in respect of the property in bearing No.5-10-17/2B, admeasuring 1777.77 Sq.yds, abutting to NH 7 road, Budhavarpet, Nirmal, Adilabad District, including by preventing the construction thereon as being illegal, arbitrary, unconstitutional and consequently direct the 1st respondent not to interfere with the petitioner's rights in the said property in any manner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.NIRANJAN REDDY

Counsel for Respondent No.1: GP FOR REVENUE

Counsel for Respondent No.2: Mr. R. Thimma Reddy.

The Court at the admission stage made the following:

ORDER:

Against the notice dated 15-10-2003 issued presumably under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') by the first respondent, it is stated that petitioner submitted his explanation to the said notice on 20-10-2003 enclosing the assignment order made in his favour, against which, no enquiry has been conducted so far and no final orders as such have been passed under Section 6 of the Act. Without passing such an order, first respondent is not allowing the petitioner to proceed with the construction, for which he obtained permission from the respondents.

2. In view of the same, first respondent is hereby directed to pass orders forthwith on the explanation offered by the petitioner after due opportunity to the petitioner and communicate the same to him. If any such order had already been passed, first respondent shall communicate the same to the petitioner forthwith.

The Writ Petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

September 24, 2004

MRR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To:

1 The Mandal Revenue Officer, Nirmal, Adilabad District
2 Nirmal Municipality, rep.by its Commissioner, Nirmal, Adilabad District

3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

4 Two C.D. Copies.